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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0501
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBJ/AMEMBASSY BEIJING 5559
RUEHBY/AMEMBASSY CANBERRA 3229
RUEHLM/AMEMBASSY COLOMBO 1416
RUEHKA/AMEMBASSY DHAKA 1390
RUEHPB/AMEMBASSY PORT MORESBY 4067
RUEHNE/AMEMBASSY NEW DELHI 2379
RUEHUL/AMEMBASSY SEOUL 5074
RUEHWL/AMEMBASSY WELLINGTON 3214
RUEHBA/AMCONSUL PERTH 1241
RUEHHK/AMCONSUL HONG KONG 3069
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHINGTON DC
RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 002020

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, DRL/AWH
NSC FOR E. PHU

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TAGS: [PGOV PHUM KISL ID](#)

SUBJECT: ANTI-PORNOGRAPHY BILL PASSES AMID CONTROVERSY

REF: A. JAKARTA 1756

[1](#)B. JAKARTA 939 AND PREVIOUS

JAKARTA 00002020 001.2 OF 002

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: The Indonesian Parliament passed an anti-pornography bill on October 30, The bill was pushed through by the Islamic-oriented Prosperous Justice Party (PKS) and supported by eight of the ten factions in the DPR. The DPR's second largest faction stormed out in protest.

[1](#)2. (C) SUMMARY (Con'd): Liberal critics say the definition of pornography is too broad and can be used to justify attacks on artistic, religious, and cultural freedom. With legislative elections some five months away, many members of parliament supported the bill as a way to court the vote of Muslim conservatives. Some maintain that the bill has wide grassroots support in the small towns and villages of the country because of concerns about declining social values. On its constitutional merits, the bill might not survive legal review. END SUMMARY.

BILL PASSES

[1](#)3. (C) An anti-pornography bill was passed into law on October 30, despite widespread criticism and protests from artists, human rights groups and some local government leaders. The bill was first introduced in 1999, shot down by then-President Megawati (reftel) and revived again in 2005 by President Yudhoyono. Although the current version of the bill has changed from the original version, it remains controversial. The bill must still be signed by the President before being enacted, but all indications are he will do so.

[1](#)4. (U) Article 1 of the bill defines pornography as drawings, sketches, illustrations, photographs, text, voices, sound, moving pictures, animation, cartoons, poetry, conversations, gestures, or other forms of "communicative message" through various kinds of media, and/or performances in front of the public, which may incite obscenity, sexual exploitation and/or violate moral ethics in the community.

Articles 20-23 allow the public to play a role in preventing the production of, distribution and use of pornography by allowing ordinary citizens to "supervise" adherence to the law, although an explanatory note in the law reportedly limits the scope for civil society involvement. Critics fear this could be used as a justification by hardliners to act as vigilantes. Articles 8, 34, and 36 threaten jail terms of up to ten years or \$500,000 U.S. dollars for violators, which critics claim criminalizes the victims of pornography--namely women and children.

VARIOUS ACTORS PRESS FOR BILL IN PARLIAMENT

¶5. (C) Although the bill was largely driven by the PKS, eight out of ten factions within the DPR supported the bill, including the Democratic Party and Golkar, secular parties led by the President and Vice President respectively. Some observers believe that these secular parties supported the bill as a means to secure votes from Muslim conservatives. Additionally, opposition to the bill could be construed as supporting pornography, particularly dangerous in the lead up to next years' elections.

¶6. (SBU) On the other hand, some moderate Muslim interlocutors say they support the bill, arguing that pornography is too readily available in Indonesia and poses a threat to children. Some of the public displays of erotic dance and fashion on television disturbs certain traditional segments of society. These sources maintain that outside of the more liberal large urban areas of Jakarta and Yogyakarta, the bill has wider grassroots support.

¶7. (U) The Indonesian Democratic Party of Struggle

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(PDI-P)--the second largest faction in the DPR--and the small secular-oriented Prosperous Peace Party (PDS) both stormed out of the plenary session in protest, claiming that although the bill's final version removed contentious clauses regulating dress and social behavior, it went against the country's tradition of diversity. Protests and opposition from Bali, for example, forced the committee to drop a ban on bikinis at tourist resorts. The bill also dropped the "Porno-Action" clause in the bill which could have outlawed kissing and holding of hands in public, as well as short skirts.

OPPOSITION TO THE BILL

¶8. (C) Civil society groups have voiced strong opposition to the bill. Rafendi Djamin, Coordinator of Human Rights Working Group, said it would serve to further discriminate against women in Indonesia, particularly as it would (he claimed) "criminalize" the victims. He also said he thought it was a purely political move ahead of next year's elections and a means for secular parties to pick-up votes from the Islamic-based parties.

¶9. (C) Ahmad Suaedy of the Wahid Institute said the problem with the bill is that there is no clear definition of pornography, which could result in government or vigilante interference in cultural and artistic expression. He was particularly critical of the provision which would allow ordinary citizens to act as "police", saying it gives a green light to vigilante groups to act within the law when committing acts of violence. Suaedy said the bill should be limited to the production of material which is seen as sexually deviant.

¶10. (C) Herni Sri Nurbayanti of the Center for Law and Policy (PSHK) said that although the DPR changed the original version of the law, the definition of pornography still remained too vague and open to different interpretations. Herni said this was particularly worrisome at the local level, where she feared many local governments would use their own interpretation to discriminate against women. She

also said she feared vigilante groups would interpret the citizen participation clause to mean they were authorized to act out violently against persons they deemed in violation of the law.

A LEGAL CHALLENGE?

¶11. (C) There is a distinct possibility that the Constitutional Court will alter or strike down the law. Opponents have already said they are appealing the law to that court. In the meantime, it remains unclear whether negative publicity surrounding the law will prove widespread or be limited to activist groups and minorities. If criticism is widespread, this could benefit Megawati and PDI-P and hurt President Yudhoyono and the Democrat Party.

HUME